

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ALTON BROWN,

Petitioner,

- against -

WILLIAM PHILLIPS, Superintendent,  
Green Haven Correctional Facility,

Respondent.

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ORDER

Civil Action No.  
CV-03-0361 (DGT)

TRAGER, J.:

On January 17, 2003, petitioner filed the above-captioned case seeking a writ of habeas corpus for alleged constitutional violations stemming from his state court conviction for murder in the second degree and robbery in the first degree. The petition was referred to United States Magistrate Judge Lois Bloom for a Report and Recommendation.

On February 17, 2006, Judge Bloom issued a Report and Recommendation recommending that the petition be denied. On February 21, 2006, petitioner, through his attorney, filed his objections to the Report and Recommendation. After an independent review of the record, the Report and Recommendation and petitioner's objections, it is hereby

ORDERED that the Court adopts the Report and Recommendation. A certificate of appealability shall not issue because petitioner has not demonstrated a substantial showing of a constitutional violation. See 28 U.S.C. § 2253(c)(2). The Clerk of the Court is directed to close the case.

Dated: Brooklyn, New York  
March 13, 2006

SO ORDERED:

/s/  
David G. Trager  
United States District Judge

SENT TO:

Hon. Lois Bloom  
United States Magistrate Judge

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